

**MINUTES OF AN ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY
HELD IN THE COUNCIL CHAMBERS, JEFFREYS BAY, ON TUESDAY, 28
FEBRUARY 2023 AT 10:00**

PRESENT: Councillors

Ald B Williams	(Speaker)
Ald H Hendricks	(Executive Mayor)
H Bornman	(Deputy Executive Mayor)
Ald D Benson	
B Dhludhlu	
T Jantjes	
W Gertenbach	
H Murray	
R Foley	
F Heystek	
C August	
M Biko	
M van Niekerk	
N Ntengwane	
J Alexander	
L Maree	
S Ruth	
P Oliphant	
M Dayimani	
M Yali	
V Gunuza	
K Ndzalani	
N Ntshota	
B Human	
E Mbuqu	
M Valgee	
M Mbandana	
W van der Linde	
V Zana	

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
D de Jager	(Deputy Municipal Manager)
M Rossouw	(Acting Director: Corporate & Digital Services)
N Machelesi	(Director: Community Services)
C de Kock	(Director: I&E)
R Lorgat	(CFO)
L Opperman	(Manager: Legal Services)
E Felix	(Acting Chief of Staff: Office of the Executive Mayor)
N Zode	(Scribe)
M Basson	(Media Specialist)
M Julius	(Senior Admin Officer: Committees)

Stakeholder

C Welch	(Office of Auditor General)
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1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that an Ordinary Council Meeting will be held in the Council Chambers.

2. **OPENING AND WELCOME**

The Speaker requested Cllr Ndzaleni to open the meeting with prayer. He then welcomed everyone to the meeting

3. **ABSENT WITH LEAVE**

Cllr L Nkilishane

N Machelesi

4. **ABSENT WITHOUT LEAVE**

M Valgee

5. **PRESENTATIONS**

Fire Services By-Law – Mr. H. van Rooyen

QUESTIONS/COMMENTS/INPUTS

Cllr Gertenbach enquired on the safety standards that should be adhered to while using generators in households.

Cllr Oliphant requested that the By-law be tabled in a Policy Workshop for Councillors' engagement.

The Speaker requested Acting Director Corporate & Digital Services to table the By-law at the next Policy Workshop.

Mr van Rooyen stated that the standards are indicated in the By-law and the SANS standards. There are numerous complaints received regarding generators.

Cllr Mbuqu enquired about the distance as other places such as Patensie and Thornhill are far from the fire department thus making it difficult to meet the response time indicated.

Mr van Rooyen responded that the response time and distance is more operational and is indicated in the SANS 109 standards and requirements.

Mr Barnard stated that the Kouga area is vast and the current response time according to performance is about 15 minutes from receiving the call.

Cllr Mbandana stated that there needs to be an effort in addressing the issue for far areas like Thornhill and Patensie as 15 minutes is impossible for such areas from the fire station.

The Speaker requested Mr van Rooyen and Mr Barnard to take note of the issues raised regarding distance and address them, he then thanked the presenter and excused him from the meeting.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr August mentioned that two lives were lost in Hankey Secondary School in an accident while travelling for matric farewell fittings.

Cllr Yali congratulated Councillors graduating on the MFMP Programme. He further congratulated the Executive Mayor on the election for Provincial Leadership.

Cllr Benson mentioned the bereavement of Councillor Nkilishane's mother-in-law. He the congratulated Councillors who celebrated their birthdays in February.

Cllr Bornman acknowledged ex-Councillor, Mrs M Ungerer, who had served in Kouga for years.

7. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**

I would like to welcome Honourable Mayor, Councillors, Officials and Members of the Public to this meeting of Council and I look forward to a productive meeting.

While I am sure the Mayor will speak more broadly to the ongoing drought crises, we need to all accept that water load shedding is coming as the Metro has reduced our supply from the dams and should there be insufficient rain over the next few months, we are going to be reliant on bore holes which will see a drop in supply compared to demand.

Thanks to the Municipal Manager and the officials who assisted with MPAC's roadshow last week where the committee presented the annual report to the communities across Kouga.

This is part of the public participation process where we engage with our communities and keep them updated as to what Council achieved over the previous financial year. Over the past weekend, we hosted the Eastern Cape Surf Lifesaving Championships on Main Beach and I am pleased to advise that the event was a huge success.

Nearly 400 competitors from all over the Eastern Cape descended on Jeffreys Bay for the event. The feedback from officials, spectators and the competitors were extremely positive with the general feeling that Main Beach is the best beach in the province when it comes to security and cleanliness.

The excellent state of the public bathrooms also received positive comments and Kouga is now in a strong position to host the Champs for another three years, discussions have begun to host the South Africa Kouga is already established as the Surfing and Open Water Swimming Capital of South Africa and there is no reason why we cannot extend this title to Surf Lifesaving as well.

Well done to the Community Services team who all played their part in ensuring we hosted a successful event, thanks to the I and E team who dealt promptly with any infrastructure problems that arose over the weekend.

Councillors, we will in all probability have a Special Council meeting to debate a Motion of No Confidence. Once the item has been prepared, the agenda will be distributed, due to the nature of the item to be debated, the meeting will be physical. As Council, we will be going to the communities across Kouga to further engage with our IDP during April and May and before that the Executive Mayor will be holding Imbizo's across the Municipality to further engage our residents.

We have started distributing items funded through the Ward Development Fund and have visited several wards throughout Kouga.

I would like to express my appreciation to Ward Councillors who have identified the needs in their communities, and it is heart-warming to see how much the stoves, fridges, sports equipment and tools for the Neighbourhood Watch has meant to the recipients.

The roll out of Ward Development Fund purchases will continue and I am hoping that all procurement will still take place in this financial year after a very slow start.

The Office of the Speaker has engaged with the Department of Health regarding the state of clinics, particularly in Jeffreys Bay where the Pellsrus Clinic is hopelessly understaffed and under resourced. Unfortunately, this seems not to be unique to the Pellsrus Clinic and it's an issue we need to drive to ensure our residents have adequate access to health care across Kouga. Thank you

8. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**

Good morning all, would like to welcome Honourable Speaker, Members of the Mayoral Committee, Councillors, Officials, Members of the Public and Media to this meeting. He then dedicated a special welcome to Mrs Mercia Ungerer. He further acknowledged the passing of Cllr Nkilishane's mother in-law. He congratulated the graduates of the MFMP programme and further requested the knowledge and skills gained from there to be utilised as it has assisted him on doing his oversight.

I thank everyone that was involved in the life saving competition and all administration on a very successful flagship event of our tourism sector.

I would like to make use of this opportunity to boast about two major infrastructure projects that are set to commence within the next two weeks. These projects will benefit thousands of residents, as well as visitors to our beautiful area.

Nine informal settlements across the Kouga region will be upgraded, while we will also continue to upgrade our road network.

Upgrade of Roads

Kouga Municipality will spend over R17 million over the next two years to upgrade roads across the region.

The work to be carried out will mainly comprise of pothole and road surface repair, resealing of roads, auxiliary roadworks, and construction of speed humps.

During the first phase of the project – to be completed by end June 2023 – a total of approximately 6km of road at a cost of R10 million will be resealed.

Areas identified are Jeffreys Bay, Humansdorp, St Francis Bay, Cape St Francis, Oyster Bay, Loerie, Hankey, and Patensie.

Maintaining and upgrading the region's roads are important to all residents.

Not only does it form the backbone of our transportation infrastructure, but it is also important for economic development and growth.

Informal Settlements

Just as important, is basic service delivery to all residents.

Therefore, nine informal settlements across the Kouga region will be upgraded at a combined cost of more than R22 million over the next 12 months.

Funded by the Eastern Cape Department of Human Settlements (ECDHS), as part of their National Upgrading Support Programme (NUSP) to aid municipalities to upgrade informal settlements, the project will commence within the next two weeks.

The infrastructure upgrade includes the provision of 47 communal standpipes and supply piping, the construction of 560 low flush communal toilets, the construction of marine steel toilets, and the refurbishment of the current communal ablution facilities.

This will help to address the ongoing dependence of informal areas on the bucket system. More than 4 000 Kouga households still rely on buckets. This is unacceptable and must be eradicated as soon as possible.

Roads and stormwater drainage will also be upgraded.

The informal settlements to be upgraded are Donkerhoek, Ocean View, Lower Golf Course, Upper Golf Course, Thornhill, No R10, Shukushukuma, Polar Park, and Bungalow.

It is all about restoring the dignity of our residents that we care for deeply.

Housing Projects – Stalled

I must also mention, that despite this much-welcomed progress, two of our housing projects came to a temporary halt. The Hankey 990 project, as well as the housing project in Ocean View.

This, however, is only a temporary setback. We are doing all we can to get the projects back on track as soon as possible.

I thank you.

9. **DISCLOSURE OF INTEREST**

None

10. **STATUTORY MATTERS**

11. **MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING FOR INFORMATION**

None

12. **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

Cllr Bornman indicated that the last caucus session before the meeting was adjourned was not indicated in the minutes.

12.1 Minutes of the Special Council Meeting held on 18 January 2023.

Proposed: L Maree

Seconded: R Foley

12.2 Minutes of the Ordinary Council Meeting held on 31 January 2023.

Proposed: W Van Niekerk

Seconded: W Gertenbach

13. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

14. **REPORTS OF COMMITTEES OF COUNCIL**

14.1 **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**

None

14.2 **INTERGOVERNMENTAL RELATIONS**

None

14.3 **KOUGA AUDIT COMMITTEE**

None

14.4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

None

15. **REPORT BACK: MUNIMEC**

None

16. **REPORT BY THE OFFICE OF THE MUNICIPAL MANAGER**

23/02/MM7 COUNCIL RESOLUTIONS AS AT 18 & 31 JANUARY 2023

The status of the Autism Centre was queried. The outstanding action on the Rules and Ethics items for Cllr Oliphant and Cllr Dayimani and the lack of response from the MEC also was raised as a concern. The list of roads that had to be updated was queried.

The Speaker stated that he will try getting correspondence for the last time this month, if there is no response then Council will consider removing the resolutions from the action sheets.

The Municipal Manager stated that the list of roads will be updated and forwarded to the Speaker's office for distribution.

The Deputy Municipal Manager informed that the matter has been long outstanding but he would be able to give feedback at the next Council meeting.

Resolved (28 February 2023)

1. That the updated Action Sheets reflecting resolutions of previous Council meetings, be noted.
2. That the action sheet be tabled at Top Management for discussion and actioning.

23/02/MM8 SUBMISSION OF PERFORMANCE AGREEMENTS: SECTION 56 AND SECTION 57 EMPLOYEES: 2022/23 FINANCIAL YEAR: DIRECTOR INFRASTRUCTURE AND ENGINEERING

Cllr Foley enquired if funding was availed for the Master Plan reflected under KPA 1. He was informed by the Municipal Manager that funding was being sourced.

Resolved (28 February 2023)

1. That the Performance Agreement and supporting Performance Plan for the 2022/23 financial year in respect of the Director Infrastructure and Engineering be noted.
2. That in terms of the provisions of Section 53(3)(b) of the Local Government Performance Agreements of the Director Infrastructure and Engineering for the 2022/23 financial year be submitted to the MEC for Local Government.

23/02/MM9 HUMANSDORP FESTIVAL 31 MARCH – 01 APRIL 2023

The Speaker stated that the Rules of Order will have to be updated to accommodate language and the Municipal Manager will have to arrange for translators.

The item was supported. A query was raised on whether all sponsorship items have the condition of submission of audited statements. It was further proposed that such an event be held annually and that more events be created. There was a request for the use of local artists.

The Deputy Municipal Manager stated that all sponsorship agreements in terms of the MFMA have the condition regarding the submission of audited statements. There is a commitment to have the event in all towns. The organizer had requested the Community to indicate which local artist they wish to see in the event.

Resolved (28 February 2023)

1. That Council notes the report.
2. That Council approves the funding amount of R100 000.00 (hundred thousand rand) excluding VAT.
3. That the funding available be paid over to Khoi Kulcha and a fully audited statement and report be submitted.
4. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement/SLA with Khoi Kulcha in respect of sponsorship stated in the above.

Proposed by: B Dhludhlu

Seconded by: M Yali

17. **REPORTS BY THE EXECUTIVE MAYOR**

17.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

23/02/F17 SUPPLY CHAIN MANAGEMENT: S36 DEVIATIONS FOR THE MONTH ENDING 31 OCTOBER 2022

There were concerns raised on infrastructure maintenance and about the procurement of vehicles. Deviations from infrastructure indicated low infrastructure maintenance. The institution is supposed to be on 6% in terms of maintenance but currently its at 2%. Maintenance programmes should be intensified. A proposal to table all the deviations for the quarter to MPAC was made by Cllr Dayimani.

Cllr Zana seconded the proposal and further raised his concern on the expenditure of deviations on drought. He enquired whether there is a plan in place for drought spending. He queried why there were deviations for reoccurring expenses such as water testing.

Cllr van Linde enquired on the status of the 22 boreholes and the percentage of water delivered by these boreholes.

The Municipal Manager explained that a disaster requires emergency spending. The funding had to be spent by speeding up procurement via deviations in order to not lose the funding. There are adhoc funds which are used to hire vehicles for service delivery.

The CFO explained that the Municipality went out on a tender for procurement of fleet but there was a R50 million limit on the tender. There would be a second round in terms of the tender which will accommodate the rest of the vehicles required. Operational costs are converted to capital costs and after three years therefore the institution will not be paying hire charges for fleet.

On maintenance, Auditor General requires budget of 8% for maintenance, a maintenance plan is required for implementation. The Director I&E is currently working on the issue. The funding was only received towards the end of October, in drought regulations when there is a state of emergency the institution is allowed to deviate due to urgency.

There is an internal process which ensures that the deviation criteria is met in terms of Supply Chain Regulations, the checks and balances are in place. In the Auditor General report, there is a deviation indicated which is regarded as irregular expenditure which will be tabled to MPAC for investigation of Irregular, Fruitless and Wasteful expenditure.

Resolved (28 February 2023)

1. That the report be approved as per the reporting requirements for 31 October 2022.

23/02/F18 SUPPLY CHAIN MANAGEMENT: S36 DEVIATIONS FOR THE MONTH ENDING 30 NOVEMBER 2022

Cllr Oliphant indicated that there is a trend observed in procurement where a particular company appears more than once in the deviations.

There was a request for a report on the cyber investigation deviation.

The Speaker stated the item falls under Corporate and Digital Services and would have to be tabled by the Directorate.

Resolved (28 February 2023)

1. That the report be approved as per the reporting requirements for 30 November 2022.

23/02/F19 SUPPLY CHAIN MANAGEMENT: S36 DEVIATIONS FOR THE MONTH ENDING 31 DECEMBER 2022

Cllr Mbandana raised an issue on staff employed in Supply Chain section.

The CFO responded that the staff component in the section is mostly made up of interns which are hired from the internship programme.

The Speaker requested the Councillor to submit the issue in writing to his office and he will liaise with the CFO.

The Municipal Manager stated that the institution implemented exploration digging and some boreholes do not have quality water and some have sufficient water which can be utilised and purified accordingly for consumption.

The Speaker requested a full report to be tabled at the Portfolio level on the progress of boreholes. He further stated that there is a proposal on the table from Cllr Dayimani which has been seconded by Cllr Zana to refer the items to MPAC.

Cllr Oliphant raised a point of order and stated that he did not like the CFO's response.

The Speaker stated that the point raised by Cllr Oliphant is not recognised as a point of order. Cllr Oliphant interjected and indicated that it should be recognised as a point of emphasis. The Speaker fined Cllr Oliphant as per the Rules of Order as he was out of line.

Cllr Benson requested a caucus.

The Speaker granted the caucus.

Cllr Bornman stated that items should be approved as is, due to the fact that the normal procedure is that deviations serve at MPAC after Council.

Cllr Dhludhlu seconded the proposal.

The Speaker stated that there are two proposals on the table, the first proposal is to approve the items as is. The second proposal is to refer the items to MPAC.

Cllr Dayimani agreed with Cllr Bornman.

All Councillors agreed on the item as is.

Resolved (28 February 2023)

1. That the report be approved as per the reporting requirements for 31 December 2022.

Proposed by: H Bornman

Seconded by: B Dhludhlu

17.2 **REPORTS BY THE PORTFOLIO CHAIPERSON: PLANNING, DEVELOPMENT & TOURISM**

23/02/PDT11 ALIENATION OF UNREGISTERED ERF 3085, SEA VISTA: ST FRANCIS BOWLING CLUB

Cllr Ruth tabled the item.

The Speaker warned Councillors on talking over a Councillor, and requested Chief Whips to maintain discipline.

Councillors enquired why the items did not serve at Portfolio level. Cllr Human proposed that the item be tabled at a Special Portfolio meeting. Cllr van der Linde seconded the proposal.

Cllr Maree proposed that the bowling club facility be availed to the Ward 12 Community as a Community Hall.

The Speaker requested all Councillors who are in support of the proposal by Cllr Maree to raise their hands for vote.

In favour: 16
Not in favour: 12

The Speaker requested all Councillors who are in support of the proposal by Cllr Human to raise their hands for vote.

In favour: 12
Not in favour: 16

The Speaker fined Councillor Human R350 for continuing to talk during the meeting as per the Rules of Order.

Cllr Oliphant raised a point of concern.

The Speaker informed Cllr Oliphant that he is not recognized as there is no such point in the Rules of Order, he then warned the Councillor for speaking over him while not being recognized.

Cllr Oliphant interjected the Speaker and stated that Speaker has an attitude towards him.

The Speaker warned Cllr Oliphant for speaking while not recognized.

Resolved (28 February 2023)

1. That the Council grant **final** approval for alienation of Erf 3085, Sea Vista to St Francis Bowling Club, at the confirmed fair market related value of 25% of R750 000,00 (**R187 500,00**) as a Social Care User.

Subject to the following conditions:

- The registration of the subdivided portion of Erf 554 (now Erf 3085), Sea Vista be finalized.
- The land shall be solely used for the purposes of conducting thereon a bowling club and related purposes.
- In the event of the property not being used for the purpose for which it was sold or no longer required for such purpose, it shall revert back to the Council without payment of

compensation for any improvements effected to or on the property.

2. Council confirms that the land is not needed to provide the minimum level of basic municipal services in terms of section 14 of the MFMA.
3. That rezoning and registration of subdivision be finalised for the property contemplated herein.
4. That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.
5. That the bowling club facility be availed to the Ward 12 Community as a Community Hall.

Proposed by: L Maree

Seconded by: H Bornman

23/02/PDT12 SPONSORSHIP AGREEMENT BETWEEN KOUGA LOCAL MUNICIPALITY AND THE SOUTHERN AFRICA PGA TOUR NPC FOR THE 2023 SDC CHAMPIONSHIP

The Speaker suspended the Rules of Order for the item to allow for more debate.

The Speaker fined Cllr Yali R350 for speaking out of turn as per the Rules of Order rule 36.2.

Cllr Yali stated that he did not shout or speak out of turn.

The Speaker let him off on the fine. He then indicated that any Councillor who talks without being recognized will be fined.

Cllr Oliphant was fined by the Speaker for speaking over another Councillor.

Cllr Oliphant stated that he does not like how the Speaker is suppressing him in the meeting.

The Speaker adjourned the meeting for 10 minutes in order for Chief Whips to maintain discipline.

The Speaker welcomed everyone back from the 10 minute adjournment. He then appreciated the Chief Whips for maintaining discipline, he further urged that the meeting be continued in a dignified manner.

Cllr Benson stated that the Chief Whips did not reach a consensus, there was a request that the item be presented highlighting its benefits for Kouga. The Speaker will have to make a ruling on the way forward.

Cllr Zana stated that as the ANC they are unhappy with the behaviour of the Executive Mayor on his utterances at the foyer. He further stated that they will pursue the matter further. A written submission would be made to the Speaker's Office. There was a concern raised on the inconsistency in dealing with members of the opposition, some of the members are being victimized and handed fines while other Councillors do not face any consequences. He requested the Speaker to treat all Councillors fairly.

The Speaker took note of the comments.

Cllr Ruth presented the item and highlighted the background and benefits for Kouga.

The Speaker handed over to the Executive Mayor.

Cllr Oliphant raised a point of order under rule 38 and stated that Council cannot be addressed by the Executive Mayor.

The Speaker ruled that there is no point of order raised by the Councillor.

Cllr Oliphant interjected the Speaker.

The Speaker referred Councillor Oliphant to the Rules and Ethics Committee in terms of rule 36.2 of the rules of order.

The Executive Mayor stated that the event is world famous. For Kouga Municipality to secure such a prestigious event where international players and national players will be visiting the shores of Kouga is unprecedented. He further indicated that there will be tourism spin-offs for Kouga. The Sponsors and organizers of the event are committed to the golfing academy.

The Speaker advised Council that he had been alerted to the urgency of the items by Administration. The request for tabling items at Portfolio level first has been noted. Due to the urgency of these items he then requested Council to finalise the items.

Cllr Dhludhlu proposed for the item's approval and was seconded by Cllr Heystek.

The Executive Mayor urged Council to not restrict the administration on tabling urgent items directly to Council as that might hinder service delivery and funding items in future.

The Speaker noted the Mayor's comments and indicated that the matter will be discussed further with the Chief Whips.

Resolved (28 February 2023)

1. That Council approves the sponsorship towards the SDC Championship hosted in St Francis Bay for R1,500,000.00 (One Point Five Million Rand) all-inclusive for 2022/2023 FY only.
2. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement / SLA with Southern Africa PGA Tour NPC in respect of sponsorship stated in (1) above.

23/02/PDT13 SPONSORSHIP AGREEMENT FROM BS SPORT GROUP NPC REQUESTING FUNDING SUPPORT FOR THE 2023 ST FRANCIS AMANZI CHALLENGE

Resolved (28 February 2023)

1. That Council approves funding towards the St Francis Amanzi Challenge hosted in St Francis Bay & surrounding areas for R300,000.00 (Three Hundred Thousand Rand) all-inclusive for 2022/2023 FY only.
2. That Council authorizes the Accounting Officer to conclude a Funding Agreement / SLA with BS Sport Group NPC in respect of sponsorship stated in (1) above.

18. **CLOSURE**

The meeting closed at 13:35



B WILLIAMS
SPEAKER

10 July 2023

DATE